

**LOCAL RULES OF PRACTICE - AMENDED  
CASE MANAGEMENT PLAN  
EFFECTIVE OCTOBER 1, 1998**

The Case Management Plan and Local Rules of Practice are herein amended as the same are applicable in the Superior Court of Cabarrus County and are effective as of October 1, 1998.

**Rule 17 - MOTIONS FOR CONTINUANCE - CRIMINAL CASES IN  
SUPERIOR COURT IN JUDICIAL DISTRICT 19-A**

**17.1 Appropriate Judicial Official**

Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Senior Resident Superior Court Judge of Judicial District 19-A, or his designee. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the superior court in which the case is calendared.

The authority to decide all continuances prior to the opening of court rests with the Senior Resident or his designee. **This does abridge the trial judge's right to hear and rule upon motions made the day of court or during a session.**

**17.2 Form of Motion**

All applications for continuance shall be by written motion made on state form AOC-CR-1997, or any revised version of the form as provided by Administrative Office of the Courts.

**17.3 Notification of Opposing Counsel/Unrepresented Parties**

A copy of the completed form AOC-CR-1997 must be distributed to all counsel of record and/or unrepresented parties prior to presentation of the motion to the appropriate judicial official. Distribution of the motion may be by US mail, facsimile transmission, hand delivery, or distribution by means of attorney distribution boxes maintained in the courthouse facility.

**If the motion is filed by the District Attorney, or a member of the staff of the District Attorney, or by defense counsel, the motion must be presented to opposing counsel prior to presentation to the appropriate judicial official.**

#### **17.4 Objections to Motion for Continuance**

The Senior Resident Superior Court Judge or his designee shall establish an appropriate method of obtaining information from all counsel concerning positions on the motion to continue. Generally, a written statement of the reasons for the motion is to be attached to the form or may be included within the form.

**If the District Attorney consents to the continuance and such consent is indicated by signature of the District Attorney on the continuance form, the continuance is allowed and the continuance form shall be filed in the court file. If no District Attorney's signature appears on the continuance form, the District Attorney's opposition to the motion is presumed. If defense counsel consents to a motion for continuance by the District Attorney and such consent is indicated by the signature of the defense attorney on the continuance form, the continuance is allowed and the continuance form shall be filed in the court file. If no defense counsel's signature appears on the continuance form, defense counsel's opposition to the motion is presumed.**

**This rule recognizes the District Attorney's current statutory right to calendar cases. Motions which have the consent of the District Attorney and defense counsel do not require presentation to a judicial official, but are deemed "allowed".**

**If there is opposition to the motion, the same is to be heard in open court on the first day of the session in which it is calendared unless otherwise stipulated in writing by the parties.**

### **RULE 18 - JUDICIAL DISTRICT 19-A VACATION POLICY**

The following vacation policy shall apply in the Judicial District 19-A.

18.1 Attorneys may designate three weeks each calendar year as vacations periods during which they shall not be required to appear before the Superior Court in Judicial District 19-A.

18.2 That each attorney practicing in the Judicial District 19-A may designate such times either consecutively or at intervals 90 days or more in advance of such vacation periods unless a trial or other matter has already been set by a Presiding Judge. Thus, the designation of vacation time shall precede such setting and the attorney may be assured that the designated time shall be available for vacation periods.

18.3 Attorneys may designate periods by filing in the office of the Clerk of Superior Court of Cabarrus County a letter designating such weeks, and providing a file-stamped copy to the offices of the District Attorney and the Trial Court Coordinator. A copy of the letter shall be retained by the attorney marked "filed" which may be provided to judges and opposing counsel to reserve the weeks designated as necessary.

18.4 The policy and procedures described herein are not exclusive. In extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the court as have been done in the past when attorneys have been faced with particular or unusual situations and further, attorneys shall be able to make other requests to be excused from appearing before a tribunal for personal and other reasons as has been the custom in the past.

This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the bar as well as the quality of life of members of the profession and their families and this policy is adopted for that purpose.

Except as amended herein, the Case Management Plan, effective July 1, 1998, shall remain in full force and effect.

This the \_\_\_\_\_ day of September, 1998.

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